

**Department of Toxic Substance Control
Contributions to the Governor's Action Plan
for California's Environment
Fact Sheet**

This fact sheet describes the Department of Toxic Substances Control (DTSC) programs, projects, or initiatives that spotlight this Department's contributions to Governor Arnold Schwarzenegger's Action Plan for California's Environment. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention. In accomplishing that mission, we focus on a handful of environmental priorities, each of which in its own way furthers the goals of the Governor's Action Plan. DTSC's priorities include (see "Priorities" fact sheet for details):

- Schools
- Brownfields Reuse
- Recycling Military Facilities
- Enforcement
- Targeted Regulatory Focus
- Pollution Prevention
- Public Participation and Environmental Justice

What follows are snapshots of the programs that DTSC has in place which complement the Governor's Action Plan. That plan identifies agencies other than DTSC as the primary actors; however, you can see that the broad extent of our mission means that DTSC plays an important role in each major element. See "Programs" provides more detailed descriptions of DTSC's programs.

Action Plan Item 1 – Cut Air Pollution

In targeting particularly noxious wastes, DTSC implemented new waste management standards for mercury in consumer products. Most notably in the context of air pollution, this initiative will address the fact that some percentage of the estimated 122 million fluorescent lamps purchased each year release mercury vapor into the air because of mishandling as waste.

Not all of the emissions fouling California's air as a result of the State's renowned "love affair" with the automobile come out of tailpipes. Recognizing this fact, DTSC's Vehicle Service and Repair Pollution Prevention project has already reached out to 2,500 small service shops, and to the California AAA, NAPA Auto Parts, the Ford Motor Company, Honda, and State garages, introducing them to products and practices that minimize the use of dangerous solvents that evaporate into the air. DTSC also intends to demonstrate the environmental benefit and cost savings of high-efficiency motor oil filtration devices in the State fleet.

DTSC's aggressive and thorough hazardous waste facility permitting program ensures that those who generate, store, transport, treat, and dispose of hazardous wastes do so in a way that minimizes releases of chemicals into the air. More than 100,000 California companies generate hazardous waste, all of which some 850 registered hazardous waste haulers transport to 100-plus hazardous waste facilities which DTSC regulates.

As the California Department of Transportation (Caltrans) continues its efforts to enhance the State's freeway systems and reduce congestion, it frequently finds itself in need of creative solutions to the problem of dealing with contaminated properties. DTSC works with Caltrans to address issues such as lane expansions hampered by the presence of soil contaminated by aerially-deposited lead or entire freeway corridors spotted with sites contaminated from prior industrial uses.

As sometimes happens, regulations meant to protect the environment fall out of pace with technical innovation. DTSC worked with the U.S. Environmental Protection Agency to remove obstacles to simple and efficient recycling of hydrogen-bearing materials used in an important type of hydrogen fuel cell, anticipating successful development of that technology for pollution-free automobiles.

Action Plan Item 2 – Protecting California's Rivers, Bays, and Coastlines

The historical importance of California's coastline and waterways to commerce led inevitably to industrial contamination that threatens those vital assets. Many of DTSC's site investigations and cleanups aim to prevent chemicals and other contaminants on land from finding their way to the surface waters of the State.

In conducting its site cleanup, hazardous waste permitting, and enforcement activities, DTSC collaborates with local Regional Water Quality Control Boards to protect California's water resources.

DTSC actively participates in California Environmental Protection Agency (Cal/EPA) efforts to learn more about and clean up emerging contaminants such as perchlorate that presents a serious threat to drinking water, particularly in Southern California. The contaminant originates in the manufacture of rocket fuel, flares, and the like.

In 2004, DTSC will launch an initiative to address hazardous wastes generated aboard cruise ships.

Action Plan Item 4 – Protect California's Parks and Open Spaces

With increasing regularity, the State, counties, cities, and developers coming to DTSC for site cleanup oversight seek to incorporate parks and open spaces into their residential and mixed-use scenarios. DTSC applies the knowledge and expertise of its technical staff and toxicologists to ensure that contamination left from previous uses of property, including agriculture, is cleaned up so that those who enjoy the recreational spaces are assured of being protected from exposures to harmful chemicals.

Action Plan Item 5 – Restore Our Urban Environments

DTSC has a critical role in California's efforts to increase the number of classrooms in California and ensure the safety of school children. Prior to school districts receiving State funding for new school construction or expansion, DTSC reviews and approves environmental site investigations and, when necessary, cleanups. Since 2000, when this requirement became law, DTSC has cleared more than 1,200 new State-funded

school sites for construction. DTSC also responds to requests from school districts to assess and cleanup existing school sites thought to be compromised by either historic or adjacent property uses. And, DTSC assists schools and school districts concerned about antiquated lighting fixtures possibly exposing students and faculties to polychlorinated biphenyls, or PCBs.

DTSC oversees over 100 contaminated urban site cleanups annually, allowing those parcels to return to productive use. A handful of those cleanups demonstrate the viability of an innovative loan program stripped of its funding in the opening days of California's fiscal crisis. Some properties are cleaned to the highest residential use standards, while other properties can be cleaned up at less expense for commercial or industrial use standards. Cleanups that leave some contamination in place are only viable when DTSC imposes and enforces land use restrictions to protect future owners and users from any remaining risk. DTSC is a national leader in encouraging productive and protective property reuse by requiring land use covenants when contamination remains after cleanup. DTSC requires annual site inspections at those parcels, and maintains a database so that the land use restrictions are accessible at all times. DTSC also continues to pursue regulatory and legislative initiatives to streamline the urban site cleanup process, including launching a Financial Assurance and Insurance for Redevelopment (FAIR) program and, when appropriate, entering into Prospective Purchaser Agreements to provide liability relief. DTSC has also developed a legislative initiative to streamline the regulatory process for the oversight of urban site cleanups. This program would provide an alternative "non-Superfund" cleanup process for urban site cleanups that would promote high quality, protective cleanups with less procedural burden.

In addition to the cleanups described above, DTSC oversees closure and cleanup at 641 facilities once or currently authorized to manage hazardous waste. Different laws and regulations govern that cleanup process, known as "corrective action." DTSC strives to make the differences transparent by taking action such as developing regulations that govern all types of cleanup "response" actions.

California was hit hard in previous rounds of military base closures. These installations are small cities, frequently contaminated by industrial-type activities associated with keeping America's armed forces strong and ready. DTSC participates in cleanups at more than 170 closed and still active military installations statewide. Working with the Department of Defense and the Governor's Office, DTSC has facilitated the "early transfer" of 54,000 acres on a dozen of those bases, allowing civilian reuse of the property at a pace unmatched in the country. In fact, California has completed more early transfers at military bases than all other states combined. A particularly vexing problem associated with prior military use of property is that of unexploded ordnance and munitions. DTSC is nationally recognized for its expertise in investigating, cleaning up, and disposing of unexploded ordnance. Unfortunately, a lack of funding for the U.S. Army Corps of Engineers prohibits DTSC from pursuing cleanups at California's

1,000-plus formerly used defense sites, at least some of which certainly present threats to human health and the environment, from both chemical contaminants and unexploded ordnance.

A sad and indisputable blight on California's urban landscape is the clandestine drug laboratory. Illegal drug manufacturing in urban, suburban, and farmland areas has increased significantly in the last few years. As the only Cal/EPA entity with the capability to react on any day, at any time, DTSC responds to some 2,000 calls each year to remove the hazardous and unstable materials left behind when law enforcement has ferreted out the locations of the dangerous and contemptible illegal drug manufacturers. DTSC also dispatches cleanup crews for off-road hazardous waste disposal, or "midnight dumping," at the rate of about 100 instances per year

An important backdrop to DTSC's urban revitalization work is its unparalleled commitment to public involvement in its decision-making. DTSC tailors its outreach and public participation to the expressed needs of each community, including the cultural and linguistic backgrounds of the community members. DTSC holds 100 meetings each year at times and locations that are convenient to the affected community. In striving to make information about its proposed decisions available and accessible to all, DTSC affords anyone interested in its actions the opportunity to influence the end result. As a consequence, people in many communities in California have found themselves more likely to and more capable of taking on active roles in governance overall.

Action Item 6 – Tough Enforcement

Resolving all enforcement cases at the rate of 1 every 10 working days, DTSC investigations brought 32 criminal convictions in the past six years, with jail or prison and probation sentences totally 99 years including – at 17 years – the longest sentence given for an environmental crime. In less than two years, DTSC eliminated a 73-case backlog created by staffing limitations and new workload, collecting \$10 million in penalties. DTSC now initiates all formal enforcement actions within 180 days of finding a violation, which will prevent future backlogs. Also, DTSC has enforcement initiatives in place to address dairies, radiator shops, roofing tile manufacturers, powder coaters, grease haulers, and large appliance disposal.

DTSC developed regulations to provide consistency in State and local penalty calculations, which also serve to put businesses on notice about the possible fines associated with violations.

DTSC scientifically confirmed the suspicion that cathode ray tubes – television and computer monitors – contained pounds of lead which, in a landfill environment, would unbind and seep into groundwater. Since these and other potentially hazardous electronic wastes are ubiquitous, DTSC established a protective but reasonable approach to handling them. And, working with the California Integrated Waste Management Board, DTSC is implementing recycling strategies for consumer electronics.